

Appl. No. : **09/974,725**
Filed : **October 9, 2001**

REMARKS

The following remarks are responsive to the June 24, 2005 Office Action. Claims 1, 20, 37, and 49 remain as previously presented, Claims 2-16, 18, 21-35, and 39 remain as originally filed, and Claims 17, 19, 36, 38, 40-48, and 50 were previously cancelled without prejudice. Thus, Claims 1-16, 18, 20-35, 37, 39, and 49 are presented for further consideration. Please reconsider the claims in view of the following remarks.

Response to Rejection of Claims 1-16, 18, 20-35, 37, 39, and 49 for Obviousness-Type Double Patenting

In the June 24, 2005 Office Action, the Examiner provisionally rejects Claims 1-16, 18, 20-35, 37, 39, and 49 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over:

- (i) Claims 1-9, 11-18, 31-39, and 50-60 of copending U.S. Patent Application No. 10/215,353;
- (ii) Claims 1-6, 8-17, 19-24, and 27-34 of copending U.S. Patent Application No. 10/215,162; and
- (iii) Claims 1-31 of copending U.S. Patent Application No. 10/062,748, which has since issued as U.S. Patent No. 6,928,220 on August 9, 2005.

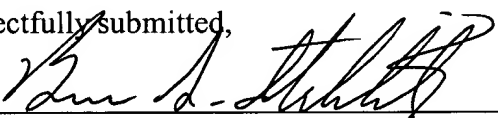
Applicants are submitting herewith a terminal disclaimer to overcome these rejections in the interest of expediting allowance of the present application. In addition, the terminal disclaimer submitted herewith is also effective with respect to U.S. Patent Application No. 11/115,071 and U.S. Patent Application No. 10/771,176, since it is anticipated that the Examiner may also reject one or more claims of the present application in view of these co-pending patent applications. Applicants' submission of this terminal disclaimer to obviate nonstatutory double patenting rejections is not an admission of the propriety of such rejections (see, M.P.E.P. § 804.02 (II), August 2001, page 800-32).

Summary

For the foregoing reasons, Applicants submit that Claims 1-16, 18, 20-35, 37, 39, and 49 are in condition for allowance, and Applicants respectfully request such action.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Dated: 9/13/05 By: Respectfully submitted,

Bruce S. Itchkawitz
Registration No. 47,677
KNOBBE, MARTENS, OLSON & BEAR, LLP
Attorney of Record
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404

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